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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/757,852	
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	First Named Inventor	Michael S. Holgate	
	Art Unit	3712	
	Examiner Name	Urszula M. Cegielnik	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	EVERMAN LAW FIRM, PA
Signature	
Date	June 14, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATIONS

Appl. No. : 10/757,852 Confirmation No. : 4606  
Applicant : Michael S. Holgate  
Filed : January 14, 2004  
TC/A.U. : 3712  
Examiner : Urszula M. Cegielnik  
  
Docket No. : 121E-0164U  
Customer No. : 000037953  
Title : FLYING DISC HAVING CONTOURED FEATURES

Commissioner for Patents  
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Alexandria, VA 22313-1450

**EXAMINER'S INTERVIEW SUMMARY**

Applicant thanks the Examiner for the Interview and taking the time to reach a tentative agreement regarding allowance of the rejected claims upon amending claim 13 and correcting the objection to claim 17. The follow summarizes an Examiner's Interview for the above-identified Application for Patent.

On March 30, 2005, a telephonic interview was conducted between Examiner Urszula M. Cegielnik and Counsel for Applicant, Gregory R. Everman. On April 7, 2005, Applicant received an Interview Summary from the Examiner.

Rejected claims 13, 21 and 27 and objected claim 17 were discussed. The remaining claims (including Claim 17) were indicated as allowable in the Office Action dated March 14, 2005 if rewritten in independent form.

Counsel asserted that rejected claims 13, 21 and 27 are patentable over Clark (U.S. Patent No. 4,979,922). Specifically, claim 13 requires a flight deck section having a plurality of contoured features forming cavities in the flight deck section. Claim 13 additionally requires that the contoured features extend beneath a plane defined by the flight deck section. Neither of these features are taught or suggested by Clark.

Counsel noted first that Clark does not disclose a flying disc having flight deck section with cavities. Instead, Clark discloses a removable insert (for the purpose of allowing the flying saucer to skip on a fluid surface) wherein the insert may be inserted into a flying saucer. That is, the flying saucer itself does not have a plurality of cavities as required by claim 13.

In this regard the Examiner stated that the insert could be considered as part of the flying saucer since they could be attached together and, therefore, the combination of the flying saucer and insert constitutes a flight deck section. As such, the cavities in the insert are in the flight deck section.

Counsel objected to the Examiner's position. The limitations of Claim 13 specifically require that the cavities are within the flying disc flight deck section itself, whereas Clark teaches a flying saucer flight deck section without cavities. Moreover, providing cavities in the insert of Clark provides no motivation to form cavities in the flying saucer flight deck. The cavities within the insert provide gripping surfaces for throwing the saucer-insert combination to skip it off water. To have the device skip off water, the insert necessarily fills in the inside bottom surface of the flying disc to provide a suitably flat skipping surface. As such, the insert eliminates the conventional gripping surface (inside the rim) of the flying saucer. Accordingly, when the flying saucer is being thrown through the air and not being skipped on water (as in the manner that the claimed invention is used) there is no suggestion or motivation to provide cavities within the flight deck as the thrower has full access to grip the inside portion of the rim for throwing the flying saucer.

More importantly, in the present invention, the principal reason for the cavities is to create a Coanda effect. Paragraph [0050]. That is, as the disc revolves and travels, air passing over the disc is entrained by the cavities in the surface of the disc thereby causing a rear spoiler type of effect to assist in maintaining flight stability. Paragraph [0050]. Clark's insert cavities cannot achieve the Coanda effect as they are positioned on the bottom of the insert instead of in the flight deck section and, furthermore, there is no contemplation by Clark whatsoever to create such an effect.

Counsel further objected that even if the flying saucer and insert were jointly considered as being the flying saucer (and i.e. jointly forming the flight deck section) the contoured features which define the cavities do not extend beneath a plane defined by the flight deck section. As shown in FIG. 3 of Clark, the contoured features that form the cavities are positioned in the bottom surface of the insert and directed upward into the insert. Accordingly, the contoured features do not extend beneath the flight deck plane as required by Claim 13.

Although Counsel believes that the above distinctions between Claim 13 and Clark are sound, the Examiner and Counsel tentatively agreed to amend Claim 13 to include a further distinguishing limitation by stating that the cavities are formed in the top surface of the flight deck. Support for this limitation is replete throughout the Application (see for example paragraphs [0018] and [0039]) and nowhere is such a limitation taught or suggested by Clark.


Although not discussed during the Examiner's Interview, Counsel further limits Claim 13 in the corresponding amendment to include the limitation that the contoured features extend beneath the flight deck section. Counsel believes that the amendment clarifies the previous claim language relating to the contoured features extending beneath the flight deck plane. Support for this limitation is replete throughout the Application (see for example paragraphs [0018] and [0039]). Nowhere is such a limitation taught or suggested by Clark.

Regarding Claim 17, this claim was objected to due to an informality, but otherwise would be allowable. Specifically, Claim 17 was objected to as being depending from Claim 12 which had been canceled. In the amendment, Claim 17 has been rewritten in independent form to include all the limitations of previous Claim 12 and, therefore, should be in condition for allowance.

It is believed that the tentatively approved claims as amended resolve all issues in this matter and, accordingly, Applicant respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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